



**Chess Valley Trust**  
A primary learning community

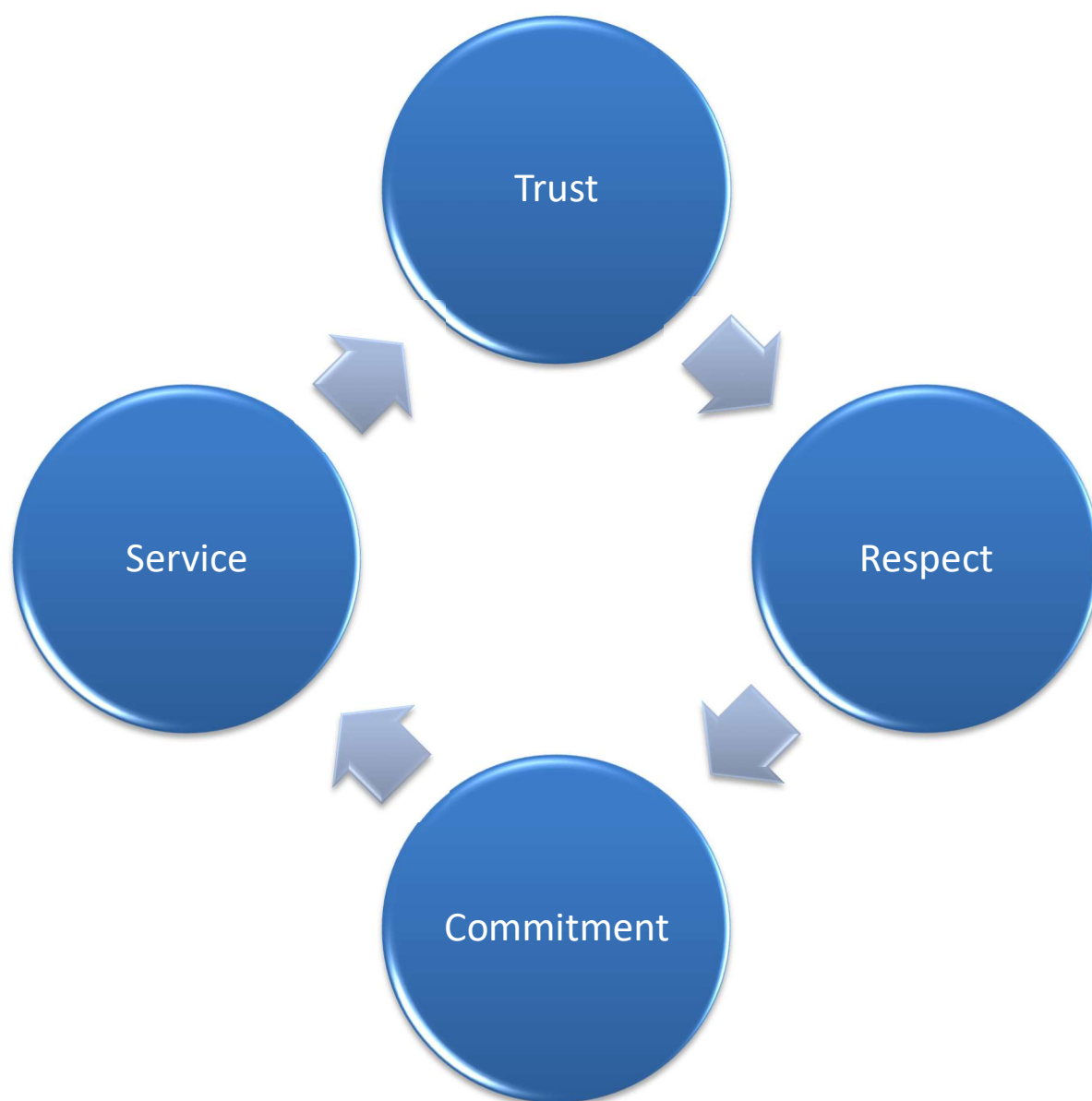


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## **Chess Valley Trust**

Multi Academy Trust Disciplinary, Dismissal Procedure including  
Safeguarding Concerns and allegations made about staff, contractors and  
volunteers

Multi Academy Trust Disciplinary, Dismissal Procedure including Safeguarding Concerns and allegations made about staff, contractors and volunteers



<b>Action</b>	
<b>December 2025</b>	Policy Reviewed and Updated
<b>Dec 2026</b>	Next review date

## **Section 1 -Disciplinary, Dismissal Procedures**

### **1 Policy statement**

- 1.1 The main purpose of this procedure is to encourage an employee whose standard of work or conduct is unsatisfactory to improve. The procedure serves to ensure that this is done in a fair and consistent manner.
- 1.2 The aims of this procedure and its associated are to set out the standards of conduct expected of all staff and to provide a framework within which Chess Valley Primary Trust can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.3 It is the Trust's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.
- 1.4 This procedure is not contractual and may be varied by the Trust. The Trust expressly reserves the right to depart from the terms of this procedure in circumstances where the employee does not have two years' qualifying service. We may also vary application of this procedure, including any time scales for action, as appropriate.
- 1.5 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, the non-renewal of fixed-term contracts on their expiry or proposed redundancies. In those cases, references should be made to the appropriate policy or procedure.

### **2 Scope and purpose of policy**

- 2.1 The procedure applies to all employees regardless of length of service excluding those in their probationary period where separate arrangements apply. It does not apply to supply staff, contractors or volunteers. Further information can be found in the Allegations and Concerns Raised in Relation to Staff, Supply Staff, Contractors and Volunteers policy.
- 2.2 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure.
- 2.3 This procedure is to be used where an employee's work or conduct is alleged to be unsatisfactory.
- 2.4 Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file. In some cases, an informal verbal warning or instruction may be given, which will not form part of the disciplinary records but may be referred to as part of any future disciplinary proceedings where appropriate. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).  
Each step and action under this procedure must be taken without unreasonable delay, either by the Trust, the school, the employee or at times the police or other external agencies that may control the timescale of any steps under this procedure.
- 2.5 Employees will not normally be dismissed for a first act of misconduct, unless the Trust decides that the conduct amounts to gross misconduct or the employee has not completed a probationary period.
- 2.6 As recognisable figures in the local community the behaviour and conduct of staff in our schools outside of work can impact on their employment particularly if it may make an individual unsuitable to work with

children. This is known as a transferable risk. Therefore, conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment (see disciplinary rules).

2.7 You can access confidential counselling via the Trust's Healthcare & Wellbeing Services from Education Mutual.  
<https://www.educationmutual.co.uk/service/healthcare-and-wellbeing>

### 3 Confidentiality and data protection

3.1 Chess Valley primary Learning Trust is the data controller for any personal and /or sensitive data provided as part of this procedure unless otherwise stated. The information you provide will be held securely by us and/or our data processor, whether the information is in electronic or physical format, in line with the Trust's Privacy Notices, Data Protection Policy and associated policies. If you have any queries regarding how we handle your information, please contact the Trust's CEO via: [operations@chessvalleyplt.org.uk](mailto:operations@chessvalleyplt.org.uk).

3.2 This procedure is strictly confidential and all aspects including all documentation and records shall be treated as such.

3.3 It is the aim of the Trust to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with an investigation or disciplinary matter as confidential during or after an investigation into an allegation.

3.4 A breach of confidentiality will be taken seriously and may warrant its own investigation.

3.5 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. The only recording permitted is that of the note taker for the purposes of accurate statement production; these recordings are for the note takers use only and will be deleted once statements are finalised.

3.6 Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity should remain confidential.

3.7 The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press. If for any reason the school or Trust need to make parents aware of any allegations, they should equally make them and others aware there are restrictions on publishing information. Reporting restrictions are disapplied if the individual to whom the restrictions apply waives their right to anonymity by going public themselves, giving their written consent to do so or if a court lifts the reporting restrictions in response to a request to do so

3.8 The reporting restrictions apply until the teacher is charged with an offence or until the Secretary of State, or Education Workforce Council in Wales, publishes information about an investigation or decision in a disciplinary case arising from the allegation

3.9 Publication includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means a parent who publishes details of an allegation on social media would breach the reporting restrictions if what was published could lead to the teacher's identification by members of the public.

3.10 During informal action, formal investigation and any subsequent stages of the procedure, the school or Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Retention and Destruction Policy and in line with the requirements of **Data Protection Legislation** (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary

legislation, as amended or updated from time to time. Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

#### 4 Powers

The Trust has delegated the below powers to various levels of staff. These include the Trust's Chief Executive Officer, Chair of Trustees and members of the Trust's Central team. See appendix 3 for full reporting line hierarchy

<b>Sanction</b>	<b>Disciplinary Officer</b>	<b>Appeal Officer</b>
Level 1 – First warning	Head Teacher	An alternative Head Teacher
Level 2 – Written warning	Head Teacher	An alternative Head Teacher
Level 3 – A final warning	Head Teacher	CEO
Level 4 – Dismissal	Head Teacher	CEO

- 4.1 Where the employee is employed by the Trust at the level of the appointed Disciplinary Officer, then the next level of management up will ordinarily deal with the matter, this will be in line with the Trust's reporting hierarchy.
- 4.2 In a case where the person who would normally be the disciplinary officer is compromised through existing circumstances or, will need to investigate the matter/be significantly involved in the investigation or, does not have the resource to deal with the matter at that time – the case will normally be dealt with by an alternative at the same level or the next level of management.

#### 5 Allegations

- 5.1 Allegations may be brought to the school's/Trust's attention in a number of ways and through a variety of sources. Appendix 1 sets out the disciplinary rules. As with disclosures made by children and young people, adults need to be aware that in making an allegation or raising a concern it is not always possible to keep the matter confidential. The Head Teacher / Designated Safeguarding Lead (DSL) will need to decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation does not want them to. Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Designated Officer of the Local Authority (LADO). See the Allegations of Abuse Against Staff Policy for further guidance on the management of this type of allegation. No further action under this procedure will usually be taken until the Local Authority Designated Officer (LADO) has been consulted. In circumstances where cases are referred to the LADO, the school/Trust will ensure that the LADO is updated at each step of the procedure/case.

#### 6 Investigations

The purpose of an investigation is for the Trust/school to establish a fair and balanced view of the facts relating to any allegation, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegation and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents and other information. An employee does not have the right to bring a companion to an investigation interview. However, the Trust may, in its absolute discretion, allow an employee to bring a companion if it helps the employee to overcome a disability or in exceptional circumstances. The school/Trust expects mutual respect to be shown at all times towards all individuals involved in any investigations and, where applicable, any proceedings.

##### a. Preliminary investigation

- 6.1.1 Upon receiving any allegations against employees, it is likely that further information will be required to establish what the next course of action should be. The Head Teacher should seek to establish

the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.

6.1.2 A preliminary investigation meeting may be held with the employee to establish the basic facts of the circumstance and to enable the Head Teacher to determine whether further investigation is required. Such a meeting can sometimes give a reasonable explanation in response to allegations which then enables the matter to be concluded. A preliminary meeting will not be required in all cases and it is for the Head Teacher to decide if this is appropriate.

6.1.3 The Trust/school will inform the employee of the basis of the problem and give them the opportunity to put their case forward before any decisions are made.

#### **b. Further investigation**

6.1.4 After a preliminary investigation, where it is determined that there is a need for investigation, or if the concerns are serious enough to warrant a full investigation immediately, an Investigating Officer will be appointed to carry out the investigation. This will be an appropriate person to the nature of the allegations and the role of the employee. In the case of allegations made against the Head Teacher, the CEO will be responsible for the management of the procedure and determining an appropriate Investigating Officer, either internally or externally.

6.1.5 It may be necessary to interview witnesses who may have information that is relevant to the allegations. A record of the meeting will be made, and the witness will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record. The school and Trust recognises that some employees may find this difficult or worrying, however, all employees are expected to fully participate in any such investigation.

6.1.6 Investigation meetings are solely for the purpose of fact-finding and no decision on formal disciplinary action will be taken until after a disciplinary hearing has been held. A record of the meeting will be made, and the employee will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record.

6.1.7 Employees must cooperate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information and attending investigative interviews if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.

## **7 Criminal charges**

7.1 Where conduct is the subject of a criminal investigation, arrest, charge or conviction, the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances. Employees should inform their Head Teacher immediately if they are involved in a criminal investigation, arrest, or are subject to a charge or conviction. Failure to notify the Head Teacher may result in disciplinary action.

7.2 The school and or Trust will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where employees are unable or have been advised not to attend an investigation meeting or disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.

7.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.

7.4 Where a criminal investigation relates to allegations of abuse of children or young people, the school and Trust will co-operate and share information about the employee with other relevant agencies as appropriate following advice from the Local Authority Designated Officer (LADO).

## 8 Suspension

- 8.1 In some circumstances it may be necessary to suspend the employee from work, in particular where there are either reasonable grounds to suspect a member of staff, child or other children at the school or Trust are at risk of harm or the case is so serious that it might be grounds for dismissal. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process. The arrangements and the reasons for suspension will be confirmed to the employee in writing as soon as possible or within one working day if in relation to a safeguarding concern or allegation, this is in line with the statutory guidance detailed in KCSIE.
- 8.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Employees will continue to receive normal salary and benefits during the period of suspension and be provided with an appropriate named contact within the school or Trust who will provide welfare support. It is recognised that suspension may impact on an employee's mental wellbeing. The method and frequency of keeping in touch will be agreed and the employee will be kept updated on the progress of the investigation and disciplinary process. Employees will also be made aware of the support available via the Trusts Healthcare & Wellbeing Services from Education Mutual.  
<https://www.educationmutual.co.uk/service/healthcare-and-wellbeing>
- 8.3 Alternatives to suspension, for example, re-organisation of duties, work location, temporary redeployment to another role. The school and or Trust should be as inventive as possible when considering alternative options to suspension. The nature and severity of the allegations will need to be considered as well as the employee's role, well-being and potential impact on their mental health, alongside if their continued presence would result in potential harm to the organisation or others or make it difficult to investigate.
- 8.4 Where allegations are made that involve the protection of children, suspension will not be considered to be automatic. A reasoned decision will be made based on all available information in consultation with the Local Authority Designated Officer (LADO), including the views of the police and social care. Additional information on the management of these allegations is available in the Allegations and Concerns Raised in Relation to Staff, Supply Staff, Contractors and Volunteers section of this policy.
- 8.5 The suspension will be kept under review as the investigation progresses. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing. Every effort will be made to avoid lengthy periods of suspension.
- 8.6 While an employee is suspended, they should not visit the site or contact any pupils, parents, Trustees, LAB members or colleagues unless the employee has been authorised to do so by the Head Teacher.
- 8.7 The school and or Trust will not prevent social contact with work colleagues and friends during the suspension unless there is evidence to suggest this may prejudice the gathering of evidence.
- 8.8 The decision to suspend an employee can be made by the Head Teacher or in line with the Trust's reporting hierarchy.
- 8.9 The school/Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead, the school/Trust will cease to use the services of that member of agency staff or self-employed contractor but not without first finding out the facts and liaising with the LADO to determine a suitable outcome.

## 9 Disciplinary Hearing

- 9.1 Following any investigation, if there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The employee will be informed in writing of the allegations against

them, the basis for those allegations, and what the likely range of consequences will be if it is decided at the hearing that the allegations are true. The following will also be included where appropriate:

- 9.1.1 a summary of relevant information gathered during the investigation.
  - 9.1.2 a copy of any relevant documents which will be used at the disciplinary hearing; and
  - 9.1.3 a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible will be provided while maintaining confidentiality.
- 9.2 The Head Teacher will be responsible for ensuring that all of the arrangements for the hearing are made and that the employee receives the appropriate paperwork and notice of the hearing.
- 9.3 Five working days' written notice of the date, time and place of the disciplinary hearing will be given to provide the employee with a reasonable amount of time to prepare their case based on the information that they have been provided with. The hearing will be arranged as soon as is practicably possible.
- 9.4 If the employee and/or their companion cannot attend the hearing they should inform the Head Teacher immediately and consideration will be given to arranging an alternative time. Employees must make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct in itself. Failure to attend without good reason, or persistent inability to do so (for example for health reasons), may lead to a decision being taken based on the available evidence.
- 9.5 If the employee chooses not to attend the hearing they may choose to send a written statement for consideration at the hearing or their trade union representative may attend on their behalf.

## **10 Role of a companion at meetings and hearings**

- 10.1 Employees have a statutory right to be accompanied by a companion where the disciplinary meeting could result in a formal warning being issued, the taking of some other disciplinary action or the confirmation of a warning or some other disciplinary action (appeal hearings)
- 10.2 An employee may bring a companion to any hearing or appeal where a formal warning may be issued or dismissal may be a potential outcome. The companion may be either an official trade union representative (the trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker) a work colleague. The employee must inform the Head Teacher conducting the meetings who their chosen companion is at least 48 hours prior to the meeting.
- 10.3 Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.
- 10.4 Acting as a companion is voluntary and colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion. Any colleagues acting as a companion must formally submit a leave of absence request to the Head Teacher, or in the case of the Trust's Central team, to their direct line manager.
- 10.5 If the choice of companion is not available at the time a hearing or appeal is scheduled, the employee may propose an alternative time for the hearing or appeal to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date. If the employee's chosen companion will not be available for more than five working days afterwards, we may ask the employee to choose someone else.
- 10.6 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.

- 10.7 We may, at our discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of family) as a reasonable adjustment if the employee has a disability.
- 10.8 If the choice of a companion is unreasonable, the Trust/school may ask the employee to choose someone else. For example, if the Trust/school believes the companion has a conflict of interest or may prejudice the hearing or if the companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards.

## **11 Trade union officials**

Although normal disciplinary standards will apply to their conduct and performance as an employee, no disciplinary action or suspension will be taken until the circumstances of the case have been discussed with an appropriate full-time official. In the case of suspension, this may not be practical and should not prevent action from being taken.

## **12 Procedure at disciplinary hearings**

- 12.1 The hearing will be chaired by the Head Teacher or a in line with the Trust's reporting line hierarchy, who will be known as the Hearing Officer. The Investigating Officer will also normally attend to present the investigation. A member of the Human Resources department may also be present. The employee will be reminded of their right to be accompanied.
- 12.2 All parties will be introduced, and the HO will set the scene.
- 12.3 At the disciplinary hearing the Investigating Officer will go through the allegations against the employee and the evidence that has been gathered. The employee (or their companion on their behalf) will be able to respond and present any evidence of their own. Any evidence must be provided to the Hearing Office no less than five days in advance of the hearing. A format for a disciplinary hearing is attached at Appendix 2.
- 12.4 Relevant witnesses may be asked by the Investigating Officer or the employee to appear at the hearing. The employee must provide at least 48 hours' notice in advance of the meeting if they wish to call witnesses to ensure that there is time to arrange their attendance. Any witnesses employed by the Trust must complete and submit a Leave of Absence request to the Head Teacher, or in the case of the Trust's Central team, to their direct line manager.
- 12.5 The employee will be given the opportunity to respond to any information given by a witness. However, the employee will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Chair decides that a fair hearing could not be held otherwise.
- 12.6 The Hearing Officer (Chair) may adjourn the disciplinary hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 12.7 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the disciplinary hearing. Where possible this information will also be explained to the employee in person.

## **Levels of disciplinary penalties/actions**

- 12.8 There are four stages, each of which is designed to cover the varying seriousness of the cases. The stages give a proper sequence for persistent cases. Where the case is of sufficient importance or seriousness to use the procedure, disciplinary action will be taken at whatever stage appears appropriate to the circumstances.

- 12.9 An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice and without pay in lieu of notice.
- 12.10 The Hearing Officer may find that there is no case to answer and may refer the case back to an informal process. Alternatively, the Hearing Officer may give the employee a disciplinary warning or dismiss them.
- 12.11 If a decision is made that there is no case to answer, the school/Trust will liaise, in private, with the employee and any staff who were aware of the situation. It will be made clear that there is no further action being taken and that the issue is closed. The school/Trust will retain a note of how
- 12.12 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. The school / Trust aims to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 12.13 A disciplinary warning, dismissal may be authorised by the Head Teacher / CEO or the appropriate individual in line with the Trust's reporting hierarchy.

### **Level 1 - First warning**

- 12.14 A first warning may be given where the case is of sufficient importance or seriousness to bring attention to the employee formally. The time limit shall be 6 months (excluding the summer break) from the date of the decision. A further act of misconduct or failure to improve performance within a set period will result in a final written warning.
- 12.14 In certain circumstances, it may be deemed appropriate to manage conduct issues via a Letter of Management Expectations – see Appendix 4. Any such letter will be placed in the employee's file for an indefinite period and recorded on the Trust's database. Such letters/advice do not constitute a disciplinary sanction. However, such letters/advice will be reviewed and may be taken into account during investigations.

### **Level 2 - First warning**

- 12.15 A first written warning may be given where the case has already involved a first warning and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient importance or seriousness. The time limit shall be 9 months (excluding the Summer Break) from the date of the decision. A first written warning will usually be appropriate for a first act of misconduct where there are no other active warnings on the employee's disciplinary record. A first written warning will usually remain active for twelve months.

### **Level 3 - Final written warning**

- 12.16 A final written warning will usually be appropriate for:

12.17.1 misconduct where there is already an active written warning on the employee's record, and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient importance or seriousness: or

12.17.2 where gross misconduct may not warrant dismissal or where misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record. This may occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the Trust.

A final written warning will usually remain active for 12 months (excluding the summer break) from the date the decision was made. However, in very serious and exceptional circumstances, a final written warning may be given a period longer than 12 months but no more than 24 months.

### **Level 3 - Dismissal**

12.17 Dismissal will usually only be appropriate for:

12.18.1 any misconduct during the probationary period.

12.18.2 further misconduct where there is an active final written warning on the record; or

12.18.3 gross misconduct that warrants dismissal, regardless of whether there are active warnings on the record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). A fair process will always be followed before dismissing for gross misconduct.

### **Alternative to Dismissal**

12.18 In some cases, the school/Trust may, at its discretion, consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples may include:

12.19.1 Demotion.

12.19.2 Transfer to another school or job.

12.19.3 A period of suspension without pay.

12.19.4 Loss of seniority.

12.19.5 Reduction in pay.

12.19.6 Loss of future pay increment.

### **The duration and effect of a warning**

12.19 Each level of discipline/warning has a set duration as listed above.

12.20 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

12.21 Warnings may be live for a longer period than specified above depending on the seriousness of the misconduct and the wider circumstances of the case. The conduct will be reviewed at the end of a warning's active period and if it has not improved sufficiently the active period may be extended.

12.22 After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

Alternative to dismissal

## **13 Appeals against disciplinary action**

13.1 The employee has the right to appeal against the disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the Head Teacher/Hearing Officer within five working days of the date of the outcome letter.

- 13.2 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, they will be reinstated with no loss of continuity or pay.
- 13.3 If any new matters are raised in the appeal hearing further investigation may need to be carried out. The Chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.
- 13.4 The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be no less than two to seven working days. The employee may bring a companion to the appeal hearing (see paragraph 10).
- 13.5 The appeal will be dealt with impartially, and where possible, the appeal hearing will be conducted by a more senior manager /different panel of the Board not been previously involved in the case. The hearing may be a complete re-hearing (which would follow the format for hearings at Appendix 3) or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light (in which case the format would be reversed so that the appellant would present their appeal first). This will be at the Head Teachers/Trust/Trust Board discretion depending on the circumstances of the case. In any event, the appeal will be dealt with as impartially as possible.
- 13.6 Following the appeal hearing the Appeal Officer may:
- 13.6.1 confirm the original decision.
  - 13.6.2 revoke the original decision; or
  - 13.6.3 substitute a different penalty. Ordinarily a penalty will not be increased on appeal unless there is new information or evidence being available that requires further investigation
- 13.7 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible this information will also be explained to the employee in person. There is no further right to appeal.

#### **14 Referrals to the Teachers Regulation Agency (TRA) and/or external bodies**

In cases where employees in regulated activity are dismissed or removed due to safeguarding concerns or would have done had they not resigned during a disciplinary process, a referral should be made as soon as possible to the Disclosure and Barring Service (all staff) and Secretary of State (teachers only), where the thresholds for referral are met. This could also include when an individual is suspended and redeployed into work that is not regulated activity. A failure to do so when the criteria is met is a criminal offence.

#### **15 References**

- 15.1 Where an employee has been subject to disciplinary procedures and the concerns meet the safeguarding threshold; the reference will include relevant details to ensure compliance with safeguarding obligations.
- 15.2 References will disclose information in line with statutory requirements, including any findings related to misconduct that could pose a risk to children or vulnerable individuals.
- 15.3 The reference will be prepared in accordance with the Keeping Children Safe in Education (KCSIE) guidance and other applicable safeguarding regulations.

#### **16 Review of this procedure/policy**

This policy is reviewed and amended by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## **Appendix 1 Disciplinary rules**

### **1 Policy statement**

- 1.1 The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which the Head Teacher and line managers can work with staff to maintain those standards and encourage improvement where necessary.
- 1.2 If any employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their line manager or a member of Human Resources.

### **2 Rules of conduct**

2.1 While working for Chess Valley Primary Learning Trust, you should at all times maintain professional and responsible standards of conduct. In particular you should:

2.1.1 observe the terms and conditions of your contract, particularly with regard to:

- (a) hours of work.
- (b) confidentiality.

2.1.2 ensure that you understand and follow our Code of Conduct.

2.1.3 observe all of the Trust's and school's policies, procedures and regulations which are included in the Staff Handbook or notified to you from time to time by means of notice boards, e-mail, the intranet or otherwise.

2.1.4 take reasonable care in respect of the health and safety of colleagues, pupils and third parties and comply with our Health and Safety Policy.

2.1.5 comply with all reasonable instructions given by the Head Teacher and managers.

2.1.6 act at all times in good faith and in the best interests of the school/Trust and those of our pupils and staff.

2.1.7 ensure that you never behave in a way, either inside or outside of work, that indicates you may pose a risk of harm to children/not be suitable to work with children.

2.2 Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

### **3 Misconduct**

3.1 The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Disciplinary Procedure:

3.1.1 Minor breaches of the Trust's policies, including but not limited to the Sickness Absence Policy, Code of Conduct, Data Protection, Retention, Electronic Information and Communications Systems Policy, and Health and Safety Policy.

3.1.2 Minor breaches of an employee's contract of employment.

3.1.3 Damage to, or unauthorised use of, the School's/Trust's property.

3.1.4 Poor timekeeping or time wasting.

3.1.5 Unauthorised absence from work.

3.1.6 Refusal to follow instructions.

3.1.7 Excessive use of the school's/Trust's telephones, email or internet usage for personal reasons.

3.1.8 Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff or pupils.

3.1.9 Negligence in the performance of duties.

3.1.10 Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes; or

3.2 This list is intended as a guide and is not exhaustive.

#### **4 Gross misconduct**

4.1 Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the school/Trust, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the school/Trust and the employee. Gross misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).

4.2 The following are examples of matters that are normally regarded as gross misconduct:

4.2.1 Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public.

4.2.2 Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets, pupil's work, examinations or assessments.

4.2.3 Actual or threatened violence, or behaviour which provokes violence.

4.2.4 Deliberate damage to the buildings, fittings, property or equipment of the school/Trust, or the property of a colleague, contractor, pupil or member of the public.

4.2.5 Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries.

4.2.6 Serious failure to follow the school's/Trust's child protection procedures.

4.2.7 Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that you pose a risk of harm to children/may not be suitable to work with children

4.2.8 Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements or becoming disqualified from providing childcare.

- 4.2.9 Serious misuse of the school's/Trust's property or name.
- 4.2.10 Deliberately accessing internet sites at work or at home, using school equipment, which contain pornographic, offensive or obscene material.
- 4.2.11 Repeated or serious failure to obey instructions, or any other serious act of insubordination.
- 4.2.12 Bringing the school/Trust into serious disrepute.
- 4.2.13 Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling your duties because of the effects of alcohol or illegal drugs or other substances.
- 4.2.14 Causing loss, damage or injury through serious negligence.
- 4.2.15 Serious or repeated breach of health and safety rules or serious misuse of safety equipment.
- 4.2.16 Unauthorised access, use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure.
- 4.2.17 Acceptance of bribes or other secret payments.
- 4.2.18 Conviction or caution for a criminal offence that in the opinion of the school /Trust may affect our reputation or our relationships with our staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for us.
- 4.2.19 Possession, use, supply or attempted supply of illegal drugs.
- 4.2.20 Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures.
- 4.2.21 Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy.
- 4.2.22 Harassment of, or discrimination against, employees, pupils, parents or members of the public, related to any of the protected characteristics contrary to our Equal Opportunities Policy or our Anti-harassment and Bullying Policy
- 4.2.23 Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties.
- 4.2.24 Giving false information as to qualifications or entitlement to work (including immigration status).
- 4.2.25 Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith.
- 4.2.26 Making untrue allegations in bad faith.
- 4.2.27 Victimising a colleague who has raised concerns, made a complaint or given evidence information under the [Whistleblowing policy, Anti-harassment and Bullying policy,] Grievance Procedure, Disciplinary Procedure or otherwise.
- 4.2.28 Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) [ contrary to our ICT user policy].
- 4.2.29 Undertaking unauthorised paid or unpaid employment during your working hours.
- 4.2.30 Unauthorised entry into an area of the premises to which access is prohibited.
- 4.2.31 Making covert recordings of colleagues or managers

4.3 This list is intended as a guide and is not exhaustive.

4.4 In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.

## **Appendix 2 Format for disciplinary hearing**

1 Welcome by the Hearing Officer/Chair:

- ask everyone present to introduce themselves and explain their role
- explain the purpose of the hearing

2 Presentation of management case by the Investigating Officer, including evidence from management witnesses

3 Questions from the employee/representative to the Investigating Officer/witnesses

4 Questions from the hearing officer/panel to the Investigating Officer/witnesses

5 Presentation of the employee's case by the employee/representative, including evidence from the employee's witnesses

6 Questions to the employee/witnesses from the Investigating Officer

7 Questions to the employee/witnesses from the hearing officer/panel

8 Summing up by Investigating Officer (no new evidence)

9 Summing up by employee/representative (no new evidence)

10 Hearing adjourned and all parties asked to leave whilst the hearing officer/panel consider evidence, makes a decision on the level of sanction (if appropriate)

11 All parties return and the employee is advised of the hearing officer/panel's decision, (sanction and right of appeal)

12 Notes from the meeting are used to confirm the outcome in writing and sent to the employee within the timescale set out in the policy

## Appendix 3 Letter of Management Expectation Template

### Private and confidential

[NAME]  
[ADDRESS]

[DATE]

Dear [XX]

### Informal guidance and advice

Following our recent meeting where I set out my concerns in relation to XXX [and having considered your response] I have decided to deal with this matter informally and issue you with this letter setting out guidance and advice, as well my expectations in relation to your future [conduct/behaviour].

In summary my concerns in relation to this matter are as follows:

- o XXX

As a result of my concerns, the guidance I am issuing you to improve your [conduct/behaviour] is as follows:

- o XX

[In addition, you are expected to:

- o take instruction from your line manager, SLT member or teacher who will issue you with appropriate duties in line with your job role
- o You should not ignore a reasonable request for you to carry out your assigned duties
- o You should work with the pupils as assigned to you by your line manager or SLT member]

You need to ensure you comply with these expectations with immediate effect.

[In order to help you through this process and to ensure you are able to make the changes, you can draw on the support of myself and [line manager]. We will meet with you on a regular basis to make sure this is on track].

Please note this letter does not constitute any formal proceedings or action under the disciplinary policy, although, if the actions in this letter are not carried out or there be a repeat of the issues set out above, I have to warn you that formal action under the disciplinary procedure may follow.

This informal instruction and guidance are provided to assist you in your role and sets out our expectations in relation to your future conduct. A copy of this letter will be placed on your personal file as it records the informal instruction and guidance given to you.

If you are unsure about this, then please speak to me.

**Yours sincerely**

**XXX**  
**Head Teacher**

## **Section 2**

### **Part One: Safeguarding concerns and allegations made about staff, supply staff, contractors and volunteers.**

#### **1 Introduction**

- 1.1 The Trust takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any safeguarding concerns or allegations made against a member of staff, supply staff, contractors or volunteers is managed quickly and effectively. It is also important that low level safeguarding concerns are recognised and reported so behaviours can be appropriately managed.
- 1.2 This policy sets out how the Trust will manage safeguarding concerns and allegations made about a member of staff, supply staff, contractors or volunteers at our academy. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education. 2022.
- 1.3 This policy is set out in two parts. The first part deals with allegations made against members of staff, including supply staff, contractors or volunteers. The second part deals with low-level concerns raised in relation to members of staff, including supply staff, contractors or volunteers.

#### **2 Part One: Managing allegations made against members of staff, supply staff, contractors or volunteers**

- 2.1 This part of the policy will be followed when managing such allegations and may be adapted to each case as required. Whilst it will be used in all cases, Part 4 of Keeping Children Safe in Education 2022 requires that it is followed in any case where it is suspected or alleged that a member of staff, including agency staff, or a volunteer has:
- 2.2 The fourth bullet point above includes behaviour that may have happened outside of Trust that might make an individual unsuitable to work with children. This is known as transferable risk.
- 2.3 This policy will be used alongside our complaints policy and child protection and safeguarding policy, both of which can be accessed via the Trust website.

#### **3 Reporting an allegation**

3.1 The safety and welfare of our pupils is of paramount importance and so all staff must report their allegations immediately.

Allegations made against a member of staff, supply staff, contractors or a volunteer should be reported to the Head Teacher. Allegations involving the Head Teacher should be reported to the CEO. Allegations involving the CEO should be reported to the Trust Board. Allegations about the Deputy-CEO or the Central team should be reported to the CEO. Allegations about the CEO should be reported to the Chair of the Trust Board. A decision will be made about contacting the local authority designated officer (LADO). The person who is the Investigating Officer will then act as the case manager.

3.2 When an allegation is made, the Head Teacher /CEO will consider two aspects:

3.2.1 looking after the welfare of the child; and

3.2.2 investigating and supporting the person subject to the allegation

3.3 In each case, the following will occur:

3.3.1 apply common sense and judgement.

3.3.2 deal with allegations quickly, fairly and consistently; and

3.3.3 provide effective protection for the child and support the person subject to the allegation.

3.4 Before contacting the LADO, the Investigating Officer will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. They will contact the LADO and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The Trust Designated / Deputy Safeguarding Lead may, where appropriate be involved in this discussion. This discussion may include that:

3.5 The academy will share relevant information with the LADO about the allegation, the child, and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the academy will always attend that meeting. Representatives from other agencies such as health, social care and police may also be invited to the meeting.

## 4 Investigating an allegation

4.1 An investigation into the allegation should normally be undertaken by a senior member of staff at our Trust. Where no suitable staff are available or the nature or complexity of the allegation requires it, the Trust may appoint an independent investigator.

4.2 When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2022 states that the following definitions should be used when determining the outcome of the investigation:

4.2.1 **Substantiated:** there is sufficient evidence to prove the allegation

4.2.2 **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject to the allegation

4.2.3 **False:** there is sufficient evidence to disprove the allegation

4.2.4 **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

4.2.5 **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

4.3 In no circumstances would Chess Valley Primary Learning Trust cease to use a member of supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Whilst Chess Valley Primary Learning Trust is not the employer of supply teachers, we will ensure allegations are dealt with properly and involve the supply staff agency in the process.

## **5 Supporting those involved**

### **5.1 Parents/carers of the child(ren) involved**

5.1.1 Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, the academy will not tell the parents or carers until it has been agreed with those agencies what information can be shared.

5.1.2 The academy will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution, the academy will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child will usually be told the outcome **in confidence**.

### **5.2 The member of staff or volunteer**

5.2.1 The academy has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.

5.2.2 The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the LADO. The person will be advised of the likely course of action unless the police or children's social care raise an objection. In those circumstances the academy will work with children's social care and the police to agree what information can be disclosed and when.

5.2.3 The Head Teacher / Trustees (as appropriate) will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and up to date on other school related matters. The Head Teacher / Trustees (as appropriate) will also consider what other support may be appropriate for the individual. The academy will advise the individual to contact their trade union representative or a colleague for support. They may also be given access to support services provided by the Chess Valley Primary Learning Trust.

5.2.4 The person who is the subject of the allegation will be advised to contact their trade union representative, or a colleague for support.

5.2.5 Where an allegation is made against a member of supply staff, the supply agency should provide an additional support to that member of supply staff.

## **6 Suspension**

6.1 Suspension is not an automatic response to an allegation being made. The academy will only suspend a member of staff following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working.

6.2 The Trust makes the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, the academy will listen to their views regarding suspension.

6.3 The Trust has no authority or power to suspend a member of supply staff where an allegation is made against them. Instead, the Trust immediately will cease to use the services of that member of supply staff.

- 6.4 Where the member of staff is suspended, they will receive written confirmation within one working day and will be informed of the reason for the suspension.
- 6.5 After the suspension, if it is decided that the employee can return to the academy, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a support system.
- 6.6 The academy will not prevent social contact with work colleagues and friends unless there is evidence to suggest such contact may prejudice the gathering of evidence.

## **7 Resignation**

- 7.1 If the individual resigns or the supply staff member, contractor or volunteer ceases to provide their service, the investigation into the allegation will be completed. The individual will be given the opportunity to engage with the investigation.

## **8 Action on conclusion of the case**

- 8.1 If the allegation is substantiated and:

8.1.1 the employee is dismissed or resigns; or

8.1.2 we cease to use the supply staff member's services as a result of the allegation.

8.1.3 we cease to use the contractor's services as a result of the allegation; or

8.1.4 we cease to use the volunteer's services as a result of the allegation.

the academy will consider whether a referral to the DBS and/or to the TRA is required.

8.2 Where an allegation is found to be false, the academy may refer the case to social services to determine whether the child needs support and/or to understand if there is a safeguarding reason why the false allegation was made.

8.3 The academy's behaviour policy sets out the action that may be taken against pupils who are found to have made malicious allegations.

8.4 Where an allegation is made against a member of supply staff the outcome of the investigation will be shared with the supply agency and the LADO.

## **9 Post-incident review**

- 9.1 It is good safeguarding practice for schools and academies to review incidents upon their conclusion so they can learn from them and continue to improve standards of safeguarding. Where allegations are made against staff, supply staff, contractors or volunteers, the academy may carry out a review at the conclusion of the case.

## **10 Timescales**

- 10.1 Investigations into allegations against staff, including agency staff or volunteers or volunteers will be concluded as quickly and efficiently as possible to ensure that any risks to the child or other children and stress to the individual is minimised as far as possible.

## **11 Record keeping**

- 11.1 Allegations found to be false or malicious will be removed from the employment record of the individual. For all other allegations, a clear and comprehensive summary of the allegation, how it was

followed up and resolved, a note of actions taken and decisions reached and a declaration on whether the information will be referred to in any future reference will be retained on the employment file. A copy will also be provided to the individual.

11.2 The record will be kept, including for people who leave the school/Trust at least until the person reaches normal pension age or for 10 years if that will be longer, from the date of the allegation.

11.3 Details of any allegation made by a pupil will be kept in the confidential section of their record.

## 12 Confidentiality

12.1 The academy will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.

12.2 The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.

## 13 Non recent allegations

13.1 Where an adult makes an allegation to Chess Valley Primary Learning Trust that they were abused as a child, that adult will be advised to report the allegation to the police.

13.2 Non recent allegations made by a child will be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations

## Part Two: Managing low-level concerns

### 14 Part Two: Managing low-level concerns

14.1 This part of the policy will be followed when dealing with low-level concerns raised in relation to members of staff, including supply staff, contractors or volunteers and may be adapted to each case as required. It will be used alongside the Trust **complaints procedure, child protection and safeguarding policy, code of conduct** and **disciplinary procedure**.

14.2 Chess Valley Primary Learning Trust promotes a culture in which all concerns about all adults working in or on behalf of the Trust (including supply teachers, contractors and volunteers) are addressed appropriately.

14.3 This policy is designed to:

14.3.1 promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues

14.3.2 ensure staff are comfortable to raise low-level concerns; and

14.3.3 provide for efficient and proportionate handling of those concerns

### 15 Recognising low-level concerns

15.1 This policy will be used to manage 'low-level' concerns, defined in Part 4 of Keeping Children Safe in Education 2022 as any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- 15.1.1 is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- 15.1.2 does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).
- 15.2 Examples of such behaviour could include, but is not limited to:
  - 15.2.1 being over friendly with children.
  - 15.2.2 having favourites
  - 15.2.3 taking photographs of children on their mobile phone.
  - 15.2.4 engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
  - 15.2.5 using inappropriate sexualised, intimidating or offensive language

## **16 Sharing low-level concerns**

- 16.1 For our culture of openness and trust to prevail, all staff should share any low-level concerns they have. Serious Case Reviews and Safeguarding Practice Reviews have often evidenced how low-level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.
- 16.2 To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that staff understand their role in identifying and reporting low-level concerns.
- 16.3 All staff are encouraged to immediately report low-level safeguarding concerns as defined in this policy so that the identified behaviours can be investigated and managed appropriately.
- 16.4 All low-level concerns in relation to staff, supply staff, contractors or volunteers should be reported immediately to the Head Teacher. The Trust's reporting structure relating to the Head Teacher / CEO etc should be followed.
- 16.5 The procedure for reporting low-level concerns is consistent with that for reporting allegations of abuse as set out in part one of this policy. Staff do not need to determine whether their concern meets the threshold set out in part one of this policy or is a low-level concern. The appropriate leader responsible, as per the reporting structure and 16.4 will make this determination once the staff member has reported the issue.

## **17 Responding to low-level concerns**

- 17.1 The appropriate leader responsible, as per the reporting structure and 16.4 will review the concern to confirm that it is not a more serious issue that should be dealt with under part one of this policy. An issue reported as a low-level concern would be dealt under part one of this policy where it meets the threshold set out in part one or there is a pattern of low-level concerns expressed about the individual or wider staff practices generally. If necessary, the appropriate leader responsible, as per the reporting structure and 16.4 will discuss the concern with the LADO to determine whether it should be dealt with under part one of this policy.

- 17.2 The appropriate leader responsible, as per the reporting structure and 16.4 will discuss the concern with the individual who raised it and will investigate it as appropriate.
- 17.3 Most low-level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the Trust code of conduct and disciplinary procedure.
- 17.4 If the concern has been raised via a third party, the appropriate leader responsible, as per the reporting structure and 16.4 will collect evidence by speaking directly to the person who raised the concern (unless it has been raised anonymously), the individual involved and any witnesses.
- 17.5 Where a low-level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so they can take appropriate steps in accordance with their own policies and statutory guidance.

## **18 Recording low-level concerns**

18.1 All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

18.2 Records of low-level concerns will be reviewed so potential patterns of concerning; problematic or inappropriate behaviour can be identified. If patterns are identified, the Trust will decide on an appropriate course of action and will refer the matter to the LADO where the behaviour moves from a concern to meeting the threshold set out in the first part of this policy.

The record of the low-level concern will be kept at least until the person leaves our Trust.

## **19 References**

19.1 Low-level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated, in which case they should be referred to in references.